

STATE OF ALABAMA



**BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS
AND
PROFESSIONAL LAND SURVEYORS**

ADMINISTRATIVE CODE *(Rules and Regulations)*

including

RULES OF PROFESSIONAL CONDUCT *(Code of Ethics)*

see Rule 330-X-14

June 1996

Office of Executive Director
Montgomery, Alabama 36130-4451
Telephone (334) 242-5568

ALABAMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

ADMINISTRATIVE CODE *(Rules and Regulations)*

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Foreword:

These rules and regulations are issued under the authority of Section 35(a) in Article 2 of Chapter 11 of Title 34 of the Code of Alabama 1975. They cover specific requirements and procedures necessary for proper administration of the Alabama Law regulating the practice of engineering and land surveying. They supersede all previous administrative rules and regulations.

**CHAPTER 330-X-1
ORGANIZATION, ADMINISTRATION
AND PROCEDURE**

330-X-1-.01	Purpose
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330-X-1-.01 Purpose. The Alabama Board of Registration for Professional Engineers and Land Surveyors was created to ensure that the public is protected against dangers arising from attempts of incompetent or unscrupulous persons to practice the professions of engineering or land surveying and to respect the right to his/her means of livelihood of the individual who has conscientiously prepared himself/herself to practice said professions. This purpose is achieved through the establishment of minimum qualifications for entry into the professions of engineering or land surveying, through the adoption of rules defining and delineating unlawful conduct, and through swift and effective discipline for those practitioners who violate the applicable laws or rules promulgated thereunder.

Note: Where applicable, the singular use of the words "he" and "his" used in these rules, is also intended to mean "she" and "her."

Effective date: September 10, 1982. Amended March 2, 1990, effective date of amendment April 9, 1990
(Auth: Section 34-11-35, Code of Alabama, 1975)

330-X-1-.02 Composition and Selection of Board. The Board is composed of five members, four professional engineers and one professional land surveyor, who meet the qualifications set out in Section 34-11-31, Code of Alabama, 1975. Members serve staggered five-year terms and continue to serve upon the expiration of five years until reappointed or until a new member is appointed and qualified. When a vacancy occurs for whatever reason, three qualified persons are nominated by a committee consisting of one professional engineer or professional land surveyor appointed or elected by an active Alabama Chapter of each of the following societies: American Society of Civil Engi-

neers, American Institute of Mining, Metallurgical and Petroleum Engineers, American Institute of Chemical Engineers, Institute of Electrical and Electronics Engineers, American Society of Mechanical Engineers, Alabama Society of Professional Engineers and the Alabama Society of Professional Land Surveyors. The Governor appoints one person from among the three nominees to fill the vacancy.

Effective date: September 10, 1982. Amended September 8, 1995, effective date of amendment October 16, 1995.
(Auth: Section 34-11-30; Section 34-11-35, Code of Alabama, 1975)

330-X-1-.03 General Description of Organization and Operation. The Board is an independent agency of the State of Alabama. All costs of operating the Board, including administrative, secretarial, clerical and investigative, are paid from legislative appropriation of fees collected by the Board. The Attorney General and his assistants provide legal services to the Board.

Effective date: September 10, 1982

(Auth: Section 34-11-15; Section 34-11-35; Section 34-11-36, Code of Alabama, 1975)

330-X-1-.04 Officers.

(1) Election. The Board shall elect annually the following officers: Chairman, Vice-Chairman and Secretary.

(2) Compensation and Expenses. Board Members shall be compensated on a per diem basis for days actually spent in performance of their duties and, additionally, members of the Board shall be reimbursed for all actual expenses incurred in performance of their duties as provided by Section 34-11-32 and Section 36-7-20 of the Code of Alabama, 1975.

Effective date: September 10, 1982

(Auth: Section 34-11-32; Section 34-11-35; Section 36-7-20, Code of Alabama, 1975)

330-X-1-.05 Employment of Personnel. The Board may employ investigators, attorneys and any other agents and employees and assistants as may from time to time be necessary to bring about and maintain a rigid administration and enforcement of the Alabama Law regulating the practice of engineering and land surveying and these rules.

Effective date: September 10, 1982

(Auth: Section 34-11-11; Section 34-11-15; Section 34-11-35; Section 34-11-36, Code of Alabama, 1975)

330-X-1-.06 Executive Director. The Board shall employ an Executive Director who shall be responsible for the administration of Board policy. The Board may also employ an Assistant Executive Director. The Executive Director is designated as agent for the Board for service of legal process upon the Board. All correspondence to the Board, including requests for information and all submissions and other requests should be made to the Executive Director at the Board's headquarters as follows:

Executive Director
Alabama State Board of Registration
for Professional Engineers and Land Surveyors
Montgomery, Alabama 36130-4451

Effective date: September 10, 1982. Amended March 2, 1990, effective date of amendment April 9, 1990. Amended July 10, 1992, effective date of amendment August 17, 1992.

(Auth: Section 34-11-35; Section 34-11-36, Code of Alabama, 1975)

330-X-1-.07 Rules of Order. All proceedings of the Board shall be governed by Roberts Rules of Order, latest revised edition, except during disciplinary hearings and except where otherwise provided in these rules.

Effective date: September 10, 1982

(Auth: Section 34-11-35, Code of Alabama, 1975)

330-X-1-.08 Order of Business. The normal order of business for a meeting shall be as follows unless otherwise amended by the Board:

Call to order

Verification by the Executive Secretary that a quorum of members is present

Approval of minutes of last meeting

Hearings to be held - Public and/or Disciplinary

Interview of applicants notified of or requested to appear

Consideration of applications

Certificates of Authorization

Committee Reports

Correspondence (Communications)

Open Forum

Unfinished business

New business

Adjournment

Effective date: October 20, 1987. Amended March 2, 1990, effective date of amendment April 9, 1990

(Auth: Section 34-11-35; Section 34-11-36, Code of Alabama, 1975)

330-X-1-.09 Quorum. Three members of the Board shall constitute a quorum.

Effective date: September 10, 1982

(Auth: Section 34-11-34, Section 34-11-35, Code of Alabama, 1975)

330-X-1-.10 Meetings.

(1) Meetings may be called by the Chairman or by a quorum of the Board.

(2) Each member of the Board shall be given at least seven days notice of the time, place, and purpose of any regular or special meeting by the Chairman or the Executive Secretary, unless such notice is waived by the individual member or unless such member is present at the called meeting.

(3) The Board shall hold at least two regular meetings

each year and these meetings shall be held in Montgomery, Alabama. Special meetings may be called as necessary and may be held at any place agreed upon by three members of the Board.

Effective date: September 10, 1982

(Auth: Section 34-11-34; Section 34-11-35, Code of Alabama, 1975)

330-X-1-.11 Questions of Procedure and Evidence.

The Chairman of the Board shall in accordance with these rules, and except as otherwise provided in these rules, rule upon all questions of procedure and, in the event that evidence is taken, on the admissibility of that evidence. The decision of the Chairman shall be final.

Effective date: September 10, 1982

(Auth: Section 34-11-35, Code of Alabama, 1975)

330-X-1-.12 Voting. All members of the Board, including the Chairman, are entitled to vote and to make or second motions. A majority of those members of the Board present and voting on any matter shall decide that matter before the Board, except on procedural and evidentiary matters which are provided for in Rule 330-X-1-.11. The Chairman shall vote as a member of the Board.

Effective date: September 10, 1982

(Auth: Section 34-11-35, Code of Alabama, 1975)

330-X-1-.13 Use of Forms. All applications and requests for which the Board has prescribed a form must be made on the prescribed form. Copies of forms in use and instructions for their completion are available from the Executive Secretary.

Effective date: September 10, 1982. Amended September 9, 1983 and September 11, 1987, effective date of amendment October 20, 1987.

(Auth: Section 34-11-35, Section 41-22-4, Code of Alabama, 1975)

330-X-1-.14 Records.

(1) "Public Record" for the purpose of these rules means all Board records which are reasonably necessary to record the business and activities required to be done or carried on by the Board so that the status and condition of such business and activities can be known by the public. Records which do not constitute "public records" include but are not limited to those received by a public officer in confidence, sensitive personnel records, registrant's records, complaints against registrants, and records the disclosure of which would be detrimental to the best interests of the public.

(2) Specific public records are available for inspection at Board headquarters during regular business hours.

(3) Any person wishing to obtain copies of specific public records may request same from the Executive Secretary, and will be supplied copies upon payment of the cost of copying, handling and postage, which costs will be estimated and set from time to time by resolution by the Board.

Effective date: September 10, 1982
(Auth: Section 34-11-35; Section 34-11-37; Section 41-22-4(1) (c); Code of Alabama, 1975)

330-X-1-15 Roster. The Board shall during the month of March of each even-numbered year compile and publish a directory listing all registered professional engineers and land surveyors who have renewed their certificates of registration and all engineers-in-training who possess current certifications as engineers-in-training. Copies of the directory shall be mailed to each person so registered or certified and shall be distributed or sold to the public upon request and upon payment of a fee to be set from time to time by resolution by the Board.

Effective date: September 10, 1982
(Auth: Section 34-11-3; Section 34-11-35, Code of Alabama, 1975)

330-X-1-16 Declaratory Rulings.

(1) The Board may issue declaratory rulings to any person substantially affected by a rule with respect to the validity of the rule, or with respect to the applicability to any person, property, or state of facts of any rule or statute enforceable by the Board, or with respect to the meaning and scope of any order of the Board. Such rulings shall be issued provided

(a) The petitioner shows that he/she is substantially affected by the rule in question,

(b) Sufficient facts are supplied in the request to permit the Board to make a valid determination, and

(c) The request arises from an actual question or controversy.

(2) A petition for a declaratory ruling shall be submitted in the following form:

Petition for Declaratory Ruling.

On Rule No. _____

1. Petitioner _____

Name: _____

Address: _____

Telephone: _____

2. All rules or statutes that may be involved in the petition, if known: _____

3. Clear and concise statement of the precise factual situation involved: _____

4. The exact question to which an answer is desired: _____

5. The reason for submitting the petition: _____

6. Full disclosure of the petitioner's interest: _____

7. Statement as to whether the petitioner's case is presently under consideration by the Board of Registration for Professional Engineers and Land Surveyors or in any pending proceeding: _____

8. Affidavit Certification

Signature of Petitioner _____

Sworn to and subscribed before me this the ____ day of _____ 19 ____

Notary Public _____

(3) Such rulings will be made in accordance with the Alabama Administrative Procedures Act, Section 41-22-11, Code of Alabama, 1975.

Effective date: October 1, 1982. Amended September 9, 1983

(Auth: Section 34-11-35; Section 41-22-11, Code of Alabama, 1975)

**CHAPTER 330-X-2
DEFINITIONS**

330-X-2-.01 Definitions of Terms

330-X-2-.01 Definitions of Terms.

(1) Section 34-11-1, Code of Alabama, 1975 provides for definitions of the following terms: **Board, Engineer or Professional Engineer, Engineer-in-Training, Practice of Engineering, Land Surveyor, Land Surveying, Practice and offer to Practice, and Responsible Charge.**

(2) The terms "consultation, investigation, evaluation and planning" as used in the definition of the practice of engineering set forth in Section 34-11-1 (4), Code of Alabama, 1975, shall include, but are not limited to, services provided by testing laboratories involving the selection of proper tests to be performed (consultation and planning) when done for the purpose of developing design criteria or for the purpose of determining cause of failures (investigation) and analyses to provide recommendations for the foundation and materials to be used in the design or judgment which relate to the acceptability of structural or foundation construction (evaluation).

Any attempt to determine the structural integrity or capacity of a building, or any sub-system thereof, other than detection of problems by visual inspection or normal operation of the user's controls, constitutes the practice of Engineering.

(3) The terms "under his direction", "under the direction", "under his direct supervision" and "under his responsible supervising control" will be construed by this Board to mean that the professional engineer or professional land surveyor providing such supervision shall have made the decision on technical matters of policy and design and shall have exercised his professional judgment in all engineering and land surveying matters that are embodied in the design and the plans, specifications, or other documents involved in the work. The term "supervision of construction" as it relates to an engineer shall mean the general oversight of an engineering project as it relates to the implementation of a

design during construction. By applying his seal or signature to the final documents he signifies that he has complied with the requirements of these definitions and the Rules of Professional Conduct (Code of Ethics) and accepts responsibility therefor.

(4) The term "gross negligence" as used in Section 34-11-11 (a) (2), Code of Alabama, 1975, shall mean the practice of engineering or land surveying by a registrant characterized by his reckless disregard for the rights, safety, or welfare of others, which could result in injury or damage to life or property or financial loss.

(5) The term "incompetency" as used in Section 34-11-11 (a) (2), Code of Alabama, 1975, shall mean the practice of engineering or land surveying by a registrant who is either incapable of exercising ordinary care and diligence or who lacks the ability and skill necessary to properly perform the duties he undertakes.

(6) The term "misconduct" as used in Section 34-11-11 (a) (2), Code of Alabama, 1975, shall mean the practice of engineering or land surveying by a registrant who performs any acts, causes omissions or makes any assertions or representations which are fraudulent, deceitful, or misleading, or which in any manner whatsoever discredits or tends to discredit the profession of engineering and/or land surveying.

(7) The term "principal officer" of the firm as used in Section 34-11-9, Code of Alabama, 1975, shall also be construed to mean "Principal Engineer" or "Principal Land Surveyor" which is defined as the senior technical person who is a registered professional engineer or professional land surveyor and who makes significant technical and/or contractual judgements on behalf of the firm which would affect the firm's professional reputation and liability.

(8) The term "Certification" shall mean a statement signed and sealed by a professional engineer or professional land surveyor representing that the engineering or land surveying services addressed therein, as defined in Section 34-11-1, Code of Alabama 1975, have been performed by the professional engineer or professional land surveyor based on knowledge and information in accordance with commonly accepted procedures consistent with applicable standards of practice, and is not a guaranty or warranty, either expressed or implied.

Rule effective September 10, 1982. Amended November 9, 1984, effective date of amendment December 19, 1984. Amended March 2, 1990, effective date of amendment April 9, 1990. Amended September 9, 1994, effective date of amendment October 18, 1994.

(Auth: Section 34-11-1; Section 34-11-7; Section 34-11-9; Section 34-11-35, Code of Alabama, 1975)

CHAPTER 330-X-3 APPLICATIONS

- 330-X-3-.01 Grouping of Applications
- 330-X-3-.02 Form of Application

- 330-X-3-.03 Applications from Nonresidents
- 330-X-3-.04 Reconsideration of Denied Applications
- 330-X-3-.05 Disposal of Applications

330-X-3-.01 Grouping of Applications. In order to insure that each applicant's qualifications will be evaluated in accordance with that section of the law which will afford an applicant the most favorable and/or the most appropriate consideration, the Board, after its initial review of the qualifications presented by the applicant and substantiated with verifications obtained by the Board in any of the several methods open to the Board for substantiating qualifications, will classify applications in one of the four groupings listed herein. The Executive Secretary will make a tentative grouping of each application as soon as it is received in proper form for the purpose of processing it for presentation.

(a) The Groupings are as follows:

1. Group 1 - Professional Engineers' Applications
 2. Group 2 - Land Surveyors' Applications
 3. Group 3 - Engineers'-in-Training Applications
 4. Group 4 - Certificate of Authorization Applications
- Rule effective September 10, 1982. Amended November 9, 1984, effective date of amendment December 19, 1984. (Auth: Section 34-11-35, Code of Alabama, 1975)

330-X-3-.02 Form of Application.

(1) All applications for registration shall be made on a printed form provided by the Board and no applications made otherwise will be accepted. Where space does not permit an applicant to present his record of experience or practice on the application form provided by the Board, the applicant may request additional forms or duplicate the experience record part of the application form. All forms must be signed and dated. Applications must be clearly typewritten in black suitable for photostatic copy and all questions must be answered. An application not properly made out, or not containing all of the information required, or not accompanied by the required fee will be returned with a statement of the reason for return.

(2) Applications for registration as a Professional Engineer or as a Professional Land Surveyor or for certification as Engineer-in-Training shall be subscribed and sworn to, on a form provided by the Board, before a Notary Public or other persons qualified to administer oaths.

(3) The conditions set out in the Application Form, including the Rules of Professional Conduct (Code of Ethics) enclosed with application form, shall be construed to be a part of the Rules and Regulations, Administrative Code of the Board.

(4) To allow time for processing, all applications for examination and enrollment as Engineer-in-Training must be on file in the Board Office sixty (60) days before the date set for examination. To allow time for processing and Board review, all applications for registration by examination as Professional Engineer or Professional Land Surveyor, and

all reference forms, experience verification forms, educational transcripts and verifications of examinations passed in another state must be on file in the Board Office one hundred thirty (130) days before the date set for next examination. Applications received after the deadline will be deferred for review for the next regularly scheduled examination. It is the responsibility of the applicant to assure that all submissions are on file in the Board Office prior to this deadline date.

(5) Withholding information, misrepresentation, or untrue statements will be cause for denial of application.

(6) Registration as Professional Engineer by reciprocity is granted provided the applicant's qualifications meet the requirements of Chapter 11, Title 34, Code of Alabama, 1975, and the applicant has passed two eight hour written examinations given by another State Board and the applicant is currently registered and in good standing with another State Board.

(7) If a current, properly executed NCEES Record as prepared by the Committee on National Certification of Registration Records is provided with certified copies verifying applicant's educational qualifications, experience record, responses from references and registration in other State or States where the applicant passed the two eight hour written examinations, the professional engineer or professional land surveyor applicant will be required to complete only those Sections of the application form dealing with General Information, Registration in other States and the Affidavit. The NCEES record, furnished by the National Council of Examiners for Engineering and Surveying located in Clemson, South Carolina, will be accepted only if the experience work record is up to date within six months and the applicant meets the education, experience and examination requirements of the Alabama Registration Law.

(8) The Board requires an official transcript from each school where the applicant received an engineering, engineering technology or related science degree. The transcript(s) should show degree(s) issued and date of issuance. It is the responsibility of the applicant to see that such a record is sent directly from the institution to the Board Office and no action will be taken by the Board until such information is received. A graduate of a foreign institution will be required to have his/her transcript evaluated by an agency specified by the Board.

Rule effective September 10, 1982. Amended November 9, 1984, effective date of amendment December 19, 1984. Amended May 23, 1986, effective date of amendment June 30, 1986. Amended September 11, 1987, effective date of amendment October 20, 1987. Amended March 2, 1990, effective date of amendment April 9, 1990. Amended July 10, 1992, effective date of Amendment August 17, 1992. Amended September 9, 1994, effective date of amendment October 18, 1994. Amended May 10, 1996, effective date of amendment June 17, 1996.
(Auth: Section 34-11-5; Section 34-11-35, Code of Alabama, 1975)

330-X-3-.03 Applications from Nonresidents.

Effective date: September 10, 1982. Rule repealed September 9, 1994, effective date of repeal October 18, 1994.
(Auth: Section 34-11-35, Code of Alabama, 1975)

330-X-3-.04 Reconsideration of Denied Applications.

(1) A denied application may be reconsidered by the Board, if notice of appeal is filed with the Executive Director within thirty days after the applicant has been notified of the ruling of the Board.

(2) A hearing shall be held, de novo, within ninety days after filing of the notice of appeal, or at such time agreed upon by stipulation between the applicant and the Executive Director.

(3) The hearing shall be held by at least a quorum of the Board, as defined in Code of Alabama, 1975, Section 34-11-34.

(4) Evidence, including oral testimony, shall be freely admitted. The applicant shall be allowed to have counsel present if desired.

(5) The Board shall issue a final decision within thirty days of the date of the hearing, which shall include findings of fact and official notice taken. The applicant shall be delivered a copy of the decision by first class mail.

(6) The decision of the Board may be appealed to the circuit court for Montgomery County, as provided in Code of Alabama, 1975, Section 34-11-13, within thirty days of the decision of the Board.

(7) The record on appeal shall be certified by the Executive Director of the Board, and shall include the entire record and transcript of the hearing.

Effective date: September 10, 1982. Amended July 10, 1992, effective date of amendment August 17, 1992.

(Auth: Section 34-11-35, Code of Alabama, 1975)

330-X-3-.05 Disposal of Applications.

(1) Approved Applications - When the Board, after due consideration of an application and of information pertaining thereto, is satisfied that the applicant is eligible for certification as an Engineer-in-Training, or registration as Professional Engineer and/or Land Surveyor, under any Section of the Law, the applicant will be granted certification or registration, and the applicant will be notified by the Executive Director.

(2) Deferred Applications - If an applicant's experience is considered inadequate upon Board review, but the Board believes the minimum legal requirements may be met within one year, such application may be held by the Board for up to one year without approval or denial. Such applicant will be advised of the basis for holding the application, of additional information to be submitted, and of the approximate date on which the application will be formally considered again. If more than one additional year of experience is considered necessary, the application will be denied.

(3) Denied Applications - When the Board, after due consideration of an application and of information pertain-

ing thereto finds that the applicant is not eligible for certification or registration under any section of the Law, the applicant will be denied certification or registration and the application will be held for five years. The applicant will be notified of the action of the Board by the Executive Director, and for further consideration the applicant may submit a new application, without fee, after securing the necessary experience, provided the resubmittal is within five years.

Note: An applicant, who is denied registration, denied the opportunity to take an examination or fails to pass an examination, has the opportunity to meet with the Board and/or to appeal the board's decision as provided by Section 34-11-13 and Sections 41-22-12 through 41-22-21, Code of Alabama 1975 and Rule 330-X-3-.04.

(4) Inactive Applications - If all necessary information required for Board review is not received within one year after the application has been filed, the application will be placed in the inactive file and the applicant will be notified.

(5) In accordance with the Records and Retention Schedule prepared for the Alabama State Board of Registration for Professional Engineers and Land Surveyors, applications of the following will be maintained on file in the Board Office for the period shown and thereafter may be destroyed:

- (a) Deferred - 2 years
- (b) Denied - 5 years
- (c) Inactive - 2 years

(6) Any application that involved disciplinary action or violations will be retained in the file.

Effective date: September 10, 1982. Amended March 2, 1990, effective date of amendment April 9, 1990. Amended July 10, 1992, effective date of amendment August 17, 1992.

(Auth: Section 34-11-35, Code of Alabama, 1975)

CHAPTER 330-X-4 FEES

- 330-X-4-.01 Method of Payment
- 330-X-4-.02 Application, Certification and Registration Fees
- 330-X-4-.03 Examination Fees
- 330-X-4-.04 Fees Not Refundable
- 330-X-4-.05 Renewal Fee
- 330-X-4-.06 Roster
- 330-X-4-.07 Certificate

330-X-4-.01 Method of Payment. Fees shall be payable to the State Board of Registration for Professional Engineers and Land Surveyors, Montgomery, Alabama 36130. Payment of fees should be made by checks (personal, company or cashier's). No cash will be accepted as payment of fees. Applications not accompanied by the proper fee will be returned to the applicant.

Effective date: September 10, 1982
(Auth: Section 34-11-35, Code of Alabama, 1975)

330-X-4-.02 Application, Certification and Registration Fees.

(1) PROFESSIONAL ENGINEER - As provided by Section 34-11-5, Code of Alabama, 1975.

(2) PROFESSIONAL ENGINEER BY RECIPROCITY - Same as (1).

(3) LAND SURVEYOR - As provided by Section 34-11-5, Code of Alabama, 1975.

(4) ENGINEER-IN-TRAINING - As provided by Section 34-11-5, Code of Alabama, 1975, the fee shall be set from time to time by the Board by resolution.

(5) CERTIFICATE OF AUTHORIZATION FOR A CORPORATION, PARTNERSHIP OR FIRM - As provided by Section 34-11-5, Code of Alabama, 1975, the fee shall be set from time to time by the Board by resolution.

(6) INTERIM PERMIT - As provided by Section 34-11-4(1)c., Code of Alabama 1975, the fee for an interim permit is set at \$50.00.

Rule effective September 10, 1982. Amended November 9, 1984, effective date of amendment December 19, 1984. Amended September 8, 1995, effective date of amendment October 16, 1995.

(Auth: Section 34-11-5; Section 34-11-35, Code of Alabama, 1975)

330-X-4-.03 Examination Fees.

(1) The examination fee as provided by Section 34-11-6, Code of Alabama, 1975, shall be set from time to time by the Board by resolution.

(2) The examination fee for a registrant wishing to take the examination for record purposes shall be set from time to time by the Board by resolution.

(3) The fee for regrading of an examination will be the same fee as that charged by the National Council of Examiners for Engineering and Surveying.

Effective date: September 10, 1982

(Auth: Section 34-11-6; Section 34-11-35, Code of Alabama, 1975)

330-X-4-.04 Fees Not Refundable. No fee, or part of any fee, paid by any applicant for application, examination and/or registration will be returned to the applicant, either in the event of his failure to take the examination, or in the event of his failure to pass the required examination, if and when given.

Effective date: September 10, 1982

(Auth: Section 34-11-5; Section 34-11-35, Code of Alabama, 1975)

330-X-4-.05 Renewal Fee. The renewal fees shall be set from time to time by the Board by resolution, as provided by Section 34-11-8 (a), (b) and (c) Code of Alabama, 1975.

Rule effective September 10, 1982. Amended Novem-

ber 9, 1984, effective date of amendment December 19, 1984.

(Auth: Section 34-11-8; Section 34-11-35, Code of Alabama, 1975.)

330-X-4-.06 Roster. The fee for a copy of the biennial Roster shall be set by the Board from time to time by resolution. Persons registered or certified with the Board, governmental agencies, libraries, or professional societies will be sent a copy upon request without charge.

Effective date: September 10, 1982. Amended September 8, 1995, effective date of amendment October 16, 1995.

(Auth: Section 34-11-3; Section 34-11-35, Code of Alabama, 1975)

330-X-4-.07 Certificate. Duplicate certificate shall be issued as provided by Section 34-11-12, Code of Alabama, 1975.

Effective date: September 10, 1982

(Auth: Section 34-11-12; Section 34-11-35, Code of Alabama, 1975)

CHAPTER 330-X-5 CURRICULA APPROVED BY THE BOARD

330-X-5-.01 Curricula Approved by the Board

330-X-5-.01 Curricula Approved by the Board. In accordance with the Registration Law which provides that the Board may approve schools or colleges in determining educational qualifications:

(a) The term "a graduate of an approved engineering curriculum" shall mean a graduate of an engineering program accredited by the Engineering Accreditation Commission (EAC) of the Accreditation Board for Engineering and Technology (ABET) at the time of graduation or within a two year period of graduation. This term shall also mean a graduate of a master or doctoral degree program offered by a school or college of engineering offering at least one EAC/ABET baccalaureate engineering program provided the school or college of engineering has petitioned the board for approval for this degree and the board has granted this approval.

(b) The term "graduate of an unapproved engineering curriculum" shall mean a graduate of an engineering program which has not been accredited by EAC/ABET but has been accredited by a regionally accredited commission.

(c) The term "graduate of an approved engineering technology curriculum" shall mean a graduate of a four year engineering technology program accredited by the Technology Accreditation Commission (TAC) of the Accreditation Board for Engineering and Technology (ABET) at the time of graduation or within a two year period of graduation.

(d) The term "graduate of a related science curriculum" shall mean a graduate of a four year physics, math or some

other program which the Board may determine is related to engineering from a school or college which has been accredited by a regionally accredited commission.

(e) In considering land surveyor applicants under Section 34-11-4 (3)(a)(1) of the Registration Law, the term "graduate of a school or college approved by the Board" shall mean a graduate of a four year civil, mining or surveying engineering program accredited by the Engineering Accreditation Commission (EAC) of the Accreditation Board for Engineering and Technology (ABET) at the time of graduation or within a two year period of graduation.

(f) The term "graduate of an approved land surveying technology curriculum" shall mean a graduate of a four year land surveying program accredited by the Technology Accreditation Commission (TAC) or by the Related Accreditation Commission (RAC) of the Accreditation Board for Engineering and Technology (ABET) or a graduate of a Civil Engineering Technology program which the Board may determine includes the land surveying courses included in an ABET Land Surveying Technology program.

Effective date: September 10, 1982. Amended September 11, 1987, effective date of amendment October 20, 1987. Amended March 2, 1990, effective date of amendment April 9, 1990. Amended July 10, 1992, effective date of amendment August 17, 1992.

(Auth: Section 34-11-4; Section 34-11-35, Code of Alabama, 1975)

CHAPTER 330-X-6 EXPERIENCE

- 330-X-6-.01 Qualifying Experience
- 330-X-6-.02 Nonqualifying Experience
- 330-X-6-.03 Additional Experience Required

330-X-6-.01 Qualifying Experience. In evaluating experience offered as qualifying experience under Section 34-11-4 (1), (2) and (3), Code of Alabama, 1975, the Board will take into consideration the following:

(a) Experience must be progressive and of an increasing standard of quality and responsibility and usually follows graduation.

(b) Professional Land Surveyor applicants without a degree must present evidence that they have become self-educated in the land surveying field. Experience for all land surveyor applicants must be gained under the supervision of a professional land surveyor. It is the responsibility of the applicant to see that the verification forms provided in the application package are completed and returned by the endorsers. See Rule 330-X-3-.02(4).

(c) Professional Engineer applicants will normally gain experience by working under the supervision of a registered professional engineer. Experience may also be gained by working with a professional engineer who closely observed the applicant's work as an associate within the same company. Verification of experience must be by the professional

engineer supervisor, the professional engineer associate, or in some other relationship that assures the board that the experience received is substantially equivalent to supervision under a professional engineer. It is the responsibility of the applicant to see that the verification forms provided in the application package are completed and returned by the endorser. See Rule 330-X-3-.02(4).

(d) Concurrent time, that is time spent in engineering or land surveying work, while attending school will be credited either as education experience or work experience but not as both. A combined certificate for Engineer and Land Surveyor registration will require a minimum of six years experience of which at least two years must be land surveying and of which four years must be engineering.

(e) Military experience, to be creditable, must have been spent in engineering and/or land surveying and of a character equivalent to that required in the civilian sector in like work.

(f) For sales experience to be creditable, it must be demonstrated conclusively that engineering principles and engineering knowledge were actually employed. The mere selection of data or equipment from a company catalogue or a similar publication will not be considered Engineering experience.

(g) Successful completion of graduate study in an engineering curriculum accredited by EAC/ABET may be offered as one year of engineering experience.

(h) For teaching experience to be creditable, the engineer applicant must have taught in a four year engineering curriculum accredited by ABET and must have been employed in the grade of assistant professor or higher under the supervision of a registered professional engineer.

(i) Industrial experience leading to registration as a registered professional engineer should be directed toward the identification and solution of practical problems in the applicant's area of engineering specialization. This experience should include engineering analysis of existing physical systems and the design of new physical systems.

(j) The Board gives particular attention to design experience. The applicant should have meaningful experience under the supervision of a registered professional engineer in designing systems, components, or processes that meet public need. This experience should include exposure to the formation of design problem statements and specifications, consideration of alternative solutions, feasibility considerations, and detailed systems descriptions.

(k) Experience in construction supervision in order to be qualifying must include use of engineering skills in assuring compliance with specifications and design.

(l) Experience must not be anticipated, that is, the application must not be postdated. The experience must have actually been received at the time the application is submitted.

Rule effective September 10, 1982. Amended November 9, 1984, effective date of amendment December 19, 1984. Amended September 11, 1987, effective date of amend-

ment October 20, 1987. Amended March 2, 1990, effective date of amendment April 9, 1990. Amended September 9, 1994, effective date of amendment October 18, 1994. Amended May 10, 1996, effective date of amendment June 17, 1996.

(Auth: Section 34-11-4; Section 34-11-35, Code of Alabama, 1975)

330-X-6-.02 Nonqualifying experience.

(1) Short periods of engineering employment of less than three months will not be considered creditable.

(2) Experience must not have been obtained in violation of the Registration Law.

(3) Board will not accept the mere execution as a contractor of work designed by a registered professional engineer, or the supervision of the construction of such work as a foreman or superintendent as qualifying engineering experience.

Rule effective September 10, 1982. Amended November 9, 1984, effective date of amendment December 19, 1984

(Auth: Section 34-11-4; Section 34-11-14; Section 34-11-35, Code of Alabama, 1975)

330-X-6-.03 Additional Experience Required. If an applicant's experience is considered inadequate upon Board review, but the Board believes he may meet the minimum, legal requirements within one year, such application may be held by the Board for up to one year without approval or denial. Such applicant will be advised of the basis for holding his application, of additional information to be submitted, and of the approximate date on which his application will be formally considered again. If more than one additional year of experience is considered necessary, the application will be denied, and for further consideration the applicant will be required to submit a new application after he has accrued the necessary experience.

Effective date: September 10, 1982

(Auth: Section 34-11-35, Code of Alabama, 1975)

CHAPTER 330-X-7 REFERENCES

- 330-X-7-.01 Statement of Policy
- 330-X-7-.02 References
- 330-X-7-.03 Confidentiality of Reference Replies

330-X-7-.01 Statement of Policy.

(1) The applicant should give serious attention to the selection of his references.

(2) The Engineers or Land Surveyors under whose direct supervision the applicant has worked should be given as references.

(3) Any Board Member may on his own initiative, or the Board may request a Board Member, a staff employee or others to make an independent investigation of the appli-

cant's qualifications and report his findings.

(4) Additional references may be required by the Board.

(5) It is the responsibility of the applicant to assure the timely submissions of all reference letters, as well as experience verification forms, educational transcripts and verifications of certifications or registration in other states. Board action will not be taken until all necessary information has been received. See Rule 330-X-3-.02(4).

Effective date: September 10, 1982. Amended March 2, 1990, effective date of amendment April 9, 1990. Amended September 9, 1994, effective date of amendment October 18, 1994. Amended May 10, 1996, effective date of amendment June 17, 1996.

(Auth: Section 34-11-35, Code of Alabama, 1975)

330-X-7-.02 References.

(1) The applicant shall furnish on his application for registration the names, addresses and States in which registered of at least five (5) references.

(2) If applying for Engineer Registration, at least three (3) of the five references must be currently registered Professional Engineers; however, it is desirable that all the references be registered Professional Engineers who are qualified to evaluate the applicant's engineering training and experience.

(3) If applying for Land Surveyor Registration, at least three (3) of the five (5) references must be currently registered Professional Engineers also registered as Land Surveyors or registered Land Surveyors, who are qualified to evaluate the applicant's land surveying training and experience.

(4) All references should know the applicant personally and should be able to issue judgements concerning the applicant's experience, ability, character and reputation.

(5) Accurate statements of fact from responsible references covering the applicant's experience are necessary.

(6) References dated more than one year prior to Board review are not acceptable.

(7) A current member of the Board cannot serve as a reference for an applicant.

(8) The Board occasionally finds it necessary to correspond directly with a reference to seek clarification or amplification of the reference's original statements, which may have been unfavorable, questionable or simply inadequate to substantiate experience claimed by the applicant. If the reference fails or declines to furnish the necessary information within a reasonable time, all information submitted by that reference may be disregarded in consideration of the application involved.

Effective date: September 10, 1982. Amended March 2, 1990, effective date of amendment April 9, 1990. Amended July 10, 1992, effective date of amendment August 17, 1992.

(Auth: Section 34-11-5; Section 34-11-35, Code of Alabama, 1975)

330-X-7-.03 Confidentiality of Reference Replies.

Those replies received from references regarding the qualifications of an applicant shall be included as records which do not constitute "public records" as provided for in Rule 330-X-1-.13, and such replies will be held confidential.

Effective date: September 10, 1982

(Auth: Section 34-11-35, Code of Alabama, 1975)

CHAPTER 330-X-8 EXAMINATIONS

330-X-8-.01	Classifications of Examinations
330-X-8-.02	Eligibility for Examination
330-X-8-.03	Examination Dates and Locations
330-X-8-.04	Examinations in the English Language
330-X-8-.05	Study Information
330-X-8-.06	Instructions for Examination
330-X-8-.07	Examination Offerings
330-X-8-.08	Examination Results
330-X-8-.09	Review of Failed Examination
330-X-8-.10	Examination for Record Purposes

330-X-8-.01 Classifications of Examinations. Written examinations as required by the Alabama Law will be classified as follows:

(a) Examination in the Fundamental Engineering Subjects - FE Exam - Exam I, 1 day, 8 hour NCEES Exam

(b) Examination in the Principles and Practice of Engineering - PE Exam - Exam II, 1 day, 8 hour NCEES Exam

(c) Examination in the Fundamentals of Land Surveying - FLS Exam - Exam I, 1 day, 8 hour NCEES Exam

(d) Examination in the Principles and Practice of Land Surveying - PLS Exam - Exam II, 6 hour NCEES Exam

(e) Alabama Land Surveying History and Law - LSALA - Exam III, 2 hour Alabama Exam

Effective date: September 10, 1982. Amended September 11, 1987, effective date of amendment October 20, 1987. Amended July 10, 1992, effective date of amendment August 17, 1992.

(Auth: Section 34-11-6; Section 34-11-35, Code of Alabama, 1975)

330-X-8-.02 Eligibility for Examination.

(1) Engineer applicants will not be permitted to take Exam II until Exam I has been passed. Land Surveyor applicants will not be permitted to take Exam II and Exam III until Exam I has been passed.

(2) No candidate may take the eight (8) hour engineer examination in the Principles and Practice of Engineering nor the sixteen (16) hour examination in Land Surveying until the Board has established his eligibility for examination.

(3) Candidates for the 8 hour examination in the Fundamentals of Engineering (EIT) may be notified of the next scheduled examination without Board action provided the proper application has been filed and the correct fee paid.

No EIT certificate will be issued nor action taken toward professional registration until the applicant has satisfied the legal requirements for certification or registration set out in Chapter 11, Title 34, Code of Alabama, 1975.

Effective date: September 10, 1982. Amended September 11, 1987, effective date of amendment October 20, 1987.

(Auth: Section 34-11-35, Code of Alabama, 1975)

330-X-8-.03 Examination Dates and Locations.

(1) Written examinations are offered on dates set and approved by the National Council of Examiners for Engineering and Surveying. Dates are available from the Executive Director of the Board.

(2) Locations at which the examinations are given are designated by the Board and this information is available at least six months in advance of the examinations.

Effective date: September 10, 1982. Amended July 10, 1992, effective date of amendment August 17, 1992.

(Auth: Section 34-11-6; Section 34-11-35, Code of Alabama, 1975)

330-X-8-.04 Examinations in the English Language.

All examinations will be in the English language.

Effective date: September 10, 1982

(Auth: Section 34-11-35, Code of Alabama, 1975)

330-X-8-.05 Study Information. Questions used on prior examinations will not be distributed. Order forms are available, upon request, for ordering typical questions from the National Council of Examiners for Engineering and Surveying (NCEES). Information on Land Surveying in Alabama is made available to applicants approved by the Board for the Land Surveying Examination in Alabama History and Law.

Effective date: September 10, 1982

(Auth: Section 34-11-35, Code of Alabama, 1975)

330-X-8-.06 Instructions for Examination. Instructions provided prior to each examination will furnish information regarding whether the examination is OPEN or CLOSED Book. On an OPEN BOOK EXAMINATION, textbooks and bound classroom manuals are permitted. Calculators will be limited to those which are self powered, handheld nonprinting which can perform only simple programmable calculations with no word processing capabilities.

Effective date: September 10, 1982. Amended July 10, 1992, effective date of amendment August 17, 1992.

(Auth: Section 34-11-6; Section 34-11-35, Code of Alabama, 1975)

330-X-8-.07 Examination Offerings.

(1) An applicant deemed qualified for the Principles and Practice of Engineering or the Principles and Practice of Land Surveying Examination will be notified at least thirty (30) days in advance of the examination for which the exam

fee has been paid.

(a) Should the applicant fail to take the examination offered or fail to pass the examination, the applicant must file a request for reexamination and pay the examination fee as set by the Board. Should the applicant fail to take the examination or fail to pass the examination applied for, the fee paid is not refundable.

(b) In the event an applicant fails to pass the required examination after four (4) attempts, the applicant will be notified that the application has been closed.

(c) If an application is closed an applicant, in order to be considered for further examinations, must file a new application, pay the application fee as required by Law and submit a statement of additional education. It will be incumbent upon the applicant to indicate on the new application the extent of additional qualifying experience and education since application closing which will permit the applicant to qualify for further examinations.

(d) In the event the requalified applicant again fails to pass the required examination after four (4) additional attempts, the application will be closed and the procedure as outlined in (c) above would then be repeated before further consideration would be afforded the applicant.

(e) Note: An application will be considered valid and retained on file for a period of five years only. After four failures or five years, whichever occurs first, an application will be closed and the applicant will be required to follow the procedure outlined in (c) above for reapplication.

(2) Applicants for the Fundamentals of Engineering (FE) Examination are required to file a new application for each examination; however, after the applicant has attempted and failed the examination four times, the applicant may not file another application until he petitions the board for permission to sit for an additional examination offering. The Board will review this petition and based upon extenuating circumstances and evidence of additional formal educational training in preparation for the examination, the Board may grant the applicant permission to sit for additional examinations as specified by the Board.

Effective date: September 10, 1982. Amended March 2, 1990, effective date of amendment, April 9, 1990. Amended July 10, 1992, effective date of amendment August 17, 1992.

(Auth: Section 34-11-5; Section 34-11-6; Section 34-11-35, Code of Alabama, 1975)

330-X-8-.08 Examination Results. Examination results will be reviewed by the Board and no information will be given to any applicant who has taken the examination until after the scores have been approved by the Board. The passing score on each examination will be determined by the Board. Passing scores will not be reported; however, the candidate will be advised of his score if below the passing score.

Effective date: September 10, 1982

(Auth: Section 34-11-35, Code of Alabama, 1975)

330-X-8-.09 Review of Failed Examination. An applicant who fails to make a passing score on a written examination may request to be allowed to review his examination paper within 30 days after notice of results of his examination has been mailed to him. The review must be done in the office of the Board under the supervision of a staff member.

Effective date: September 10, 1982. Amended September 11, 1987, effective date of amendment October 20, 1987.
(Auth: Section 34-11-35, Code of Alabama, 1975)

330-X-8-.10 Examination for Record Purposes.

(1) Any Engineer registered by this Board may take for record purposes the Fundamentals Examination and the Principles and Practice Examination prepared by the National Council of Examiners for Engineering and Surveying upon payment of a fee as established by the Board.

(2) Any Land Surveyor registered by this Board may take for record purposes the Fundamentals of Land Surveying and the Principles and Practice of Land Surveying Examination prepared by the National Council of Examiners for Engineering and Surveying upon payment of a fee as established by the Board.

(3) Failure to pass either or both parts of the examination will in no way affect current registration.

Effective date: September 10, 1982

(Auth: Section 34-11-35, Code of Alabama, 1975)

**CHAPTER 330-X-9
CLASSIFICATIONS AND BRANCHES
OF ENGINEERING**

330-X-9-.01 Classification of Registration

330-X-9-.02 Branches of Engineering

330-X-9-.01 Classification of Registration. Applicants shall be registered or certified under one or more of the following titles:

(a) Professional Engineer

(b) Land Surveyor, or

(c) Engineer-in-Training

Effective date: September 10, 1982

(Auth: Section 34-11-1; Section 34-11-35, Code of Alabama, 1975)

330-X-9-.02 Branches of Engineering. Chapter 11, Title 34, Code of Alabama, 1975 makes no specific designations as to the branches of Engineering practice for which Certificates of Registration as Professional Engineer shall be issued; however, the Rules of Professional Conduct, Rule 330-X-14-.03, provides that a Professional Engineer shall act only in fields in which he is qualified by education or experience. For consideration under Section 34-11-4(1), Code of Alabama, 1975, the Board will recognize degrees received in Engineering courses accredited by the Accredi-

tation Board for Engineering and Technology (formerly Engineers' Council for Professional Development) and will issue Certificates of Registration as a Professional Engineer to applicants who demonstrate their qualifications under the provisions of the Law and in conformity with the Rules and Regulations of the Board.

Effective date: September 10, 1982

(Auth: Section 34-11-35, Code of Alabama, 1975)

**CHAPTER 330-X-10
REGISTRATIONS**

330-X-10-.01 Registration Number

330-X-10-.02 Certificates of Registration

330-X-10-.03 Reissuance of Certificates

330-X-10-.01 Registration Number. At the time an applicant is granted registration by the Board, he will be assigned a serial number. These numbers will be issued consecutively in the order in which the applications are approved by the Board. The applicant will be advised of this serial number in the notice sent to him by the Executive Secretary.

Effective date: September 10, 1982

(Auth: Section 34-11-7; Section 34-11-35, Code of Alabama, 1975)

330-X-10-.02 Certificates of Registration.

(1) As soon as possible after the Board has received from an applicant, who has been notified of the approval of his application and of his serial number, payment of his registration fee, a Certificate of Registration will be issued, signed by the Chairman and the Secretary, bearing the seal of the Board, and also bearing on its face the serial number of the registrant.

(2) The application of any applicant who fails to complete his registration as provided for hereinabove within a period of thirty days after notice is mailed to him by the Board that he has been granted registration shall be denied registration upon action by the Board.

Effective date: September 10, 1982

(Auth: Section 34-11-5; Section 34-11-7; Section 34-11-35, Code of Alabama, 1975)

330-X-10-.03 Reissuance of Certificates. A registrant requesting a new Certificate of Registration to replace a certificate under the provisions of Section 34-11-12, Code of Alabama, 1975 shall surrender to the Board, if possible, the original certificate held by him and shall file with his request a sworn affidavit setting out the reasons for his request so that the Board records will reflect the reason for its issuance of a new certificate. Upon payment of fee as provided by Section 34-11-12, Code of Alabama, 1975 and completed form, a new certificate will be prepared.

Effective date: September 10, 1982

CHAPTER 330-X-11 SEALS

- 330-X-11-.01 Seal of the Board
- 330-X-11-.02 Seal of the Registrant
- 330-X-11-.03 Seal on Documents
- 330-X-11-.04 Seal and Signature on Certification

330-X-11-.01 Seal of the Board. The seal of the Board shall be circular in form and 1 7/8 inches in diameter and shall be imprinted on all certificates issued by the Board.

Effective date: September 10, 1982

(Auth: Section 34-11-35, Code of Alabama, 1975)

330-X-11-.02 Seal of the Registrant.

(1) Upon approval of registration by the Board, registrants will be advised that they should secure an official seal which shall be applied to all engineering drawings, specifications, reports and other engineering or land surveying documents prepared by or under the responsible supervising control of the registrants.

(2) The seals to be used by the registrants are to be circular in form and from 1 5/8 to 2 inches in diameter with copy of the design to be furnished each registrant upon registration.

(3) Seals obtained prior to the adoption of this rule and which are in conformance with prior Board rules are acceptable.

(4) Rubber stamps, identical in size, design and content with the approved seals may be used by the registrant at his option.

Effective date: September 10, 1982. Amended September 9, 1994, effective date of amendment October 18, 1994.

(Auth: Section 34-11-9; Section 34-11-35, Code of Alabama, 1975)

330-X-11-.03 Seal on Documents.

(1) The seal and signature and registration number of a registrant on a document constitute a certification that the document was prepared by the registrant or under his or her direct supervision or that the registrant has reviewed the document in sufficient depth to fully coordinate and assume responsibility for plans prepared by another registered Professional Engineer or Professional Land Surveyor.

(2) Each sheet of plans, drawings, documents, specifications and reports for engineering practice and of maps, plats, charts and reports for land surveying practice, shall be signed, sealed and dated by the registrant or permit holder who prepared the documents or under whose control and direction the documents were prepared.

(3) Where more than one sheet is bound together in one volume, the registrant or permit holder who prepared said volume, or under whose direction and control said volume

was prepared, may sign, seal and date only the title or index sheet, providing that the signed sheet clearly identifies all of the other sheets comprising the bound volume, and provided that any of the other sheets which were prepared by, or under the direction and control of, another registrant or permit holder, be signed, sealed and dated by said other registrant or permit holder.

(4) Additions, deletions or other revisions affecting public health and safety or State and local codes shall not be made unless signed, sealed and dated by the registrant or permit holder who made the revisions or under whose direction and control said revisions were made.

(5) Working drawings consisting of sketches, reports or otherwise a work product which is in whole or part intended to communicate work to be performed or for use in specific proposals and/or becomes a part of defining the scope of a contract for work, written or verbal, must be sealed by the Professional Registrant who prepared these drawings or under whose supervision they were prepared.

(6) A computer generated seal is acceptable only when the Professional Engineer or Professional Land Surveyor also signs and dates the document on or adjacent to the computer generated seal. Any variation from this procedure must be submitted to and approved by the Board.

Effective date: September 10, 1982. Amended March 2, 1990, effective date of amendment April 9, 1990. Amended September 9, 1994, effective date of amendment October 18, 1994.

(Auth: Section 34-11-9; Section 34-11-35, Code of Alabama, 1975)

330-X-11-.04 Seal and Signature on Certifications.

(1) The term "Certification" as used herein shall be as set forth in Rule 330-X-2-.01(8).

(2) When an engineer or a land surveyor is presented with a Certification to be signed and sealed, he or she should carefully evaluate that Certification to determine if any of the circumstances set forth in subsection (3) would apply. If any of these circumstances would apply, that engineer or land surveyor shall either: (a) modify such Certification to limit its scope to those matters which the engineer or land surveyor can properly sign and seal, or (b) decline to sign and seal such Certification.

(3) Engineers or land surveyors who sign and seal Certifications which: (a) relate to matters which are beyond the engineer's or land surveyor's technical competence, or (b) involve matters which are beyond the engineer's or land surveyor's scope of services actually provided, or (c) relate to matters which were not prepared under the engineer's or land surveyor's responsible supervision, direction or control are subject to discipline pursuant to Rules 330-X-14 and 330-X-16.

Rule adopted September 9, 1994 effective October 18, 1994.

(Auth: Section 34-11-9; Section 34-11-35, Code of Alabama, 1975)

CHAPTER 330-X-12 INTERIM PERMITS

- 330-X-12-.01 Requirements
- 330-X-12-.02 Issuance
- 330-X-12-.03 Land Surveyors not Eligible

330-X-12-.01 Requirements.

(1) This Board may grant an interim permit to practice as a Professional Engineer to persons who apply for such permit and who are legally qualified to so practice in another State, and who have never had a registration revoked or invalidated. The application procedure for an interim permit is identical to that prescribed for continuing registration as a Professional Engineer in this State. Except, however, a person desiring an interim permit will file in addition to the prescribed application for registration a "Request for Interim Permit in Alabama" form as prescribed by the Board. This request will state the reason for requesting such permit and the specific work to which it applies. The fee for an interim permit is \$50.00.

(2) If the Executive Director of the Board finds the application and request to be in order, the request for interim permit will be referred to the Board Chairman or another Member of the Board and upon approval, the interim permit and number will be issued through the Office of the Board.

Effective date: September 10, 1982. Amended September 8, 1995, effective date of amendment, October 16, 1995.
(Auth: Section 34-11-4; Section 34-11-35, Code of Alabama, 1975)

330-X-12-.02 Issuance.

(1) An interim permit will be effective until the next regular meeting of the Board after the interim permit has been granted at which time the applicant will be considered for registration. If, in the opinion of the Board, the qualifications of the applicant are in doubt, the interim permit is immediately terminated.

(2) While practicing under an interim permit in this State, the holder thereof will affix to all plans and documents for use and execution in this State, the seal or stamp required in the State in which he took the 16 hour written examination with the added notation: "Practicing in the State of Alabama under Interim Permit No. ."

Effective date: September 10, 1982

(Auth: Section 34-11-35, Code of Alabama, 1975)

330-X-12-.03 Land Surveyors not eligible. This Board is not empowered to grant a permit for the interim practice of land surveying in Alabama. No person may legally practice land surveying in this State without first being fully registered as a Registered Land Surveyor by this Board.

Effective date: September 10, 1982

(Auth: Section 34-11-35, Code of Alabama, 1975)

CHAPTER 330-X-13 EXPIRATIONS AND RENEWALS

- 330-X-13-.01 Renewals
- 330-X-13-.02 Continuing Education
- 330-X-13-.03 Expirations

Stipulations with reference to expirations and renewal of Certificates of Registration, of Certificates of Authorization and Certificates of enrollment for Engineers-in-Training are set out in Section 34-11-8, Code of Alabama, 1975.

330-X-13-.01 Renewals.

(1) Registrants and certified Engineers-in-Training will be mailed annually, during the month of October, an application for renewal of registration. This original application must be signed and returned to the Board office with the renewal fee. The registration renewal notice will contain the five Canons of the Rules of Professional Conduct (Code of Ethics), Rule 330-X-14, which the registrant is required to read and by signature reaffirms agreement to abide by the Rules of Professional Conduct.

(2) Every corporation, partnership or firm holding a certificate of authorization will be mailed annually, during the month of October, an application form which shall be completed and returned with the renewal fee prescribed by the Board.

(3) The Annual Renewal Fee is set each year and it may vary from year to year. Therefore, no advance renewal fees will be accepted.

Rule effective September 10, 1982. Amended November 9, 1984, effective date of amendment December 19, 1984. Amended July 10, 1992, effective date of amendment August 17, 1992.

(Auth: Section 34-11-8; Section 34-11-35, Code of Alabama, 1975)

330-X-13-.02 Continuing Education

(1) **Purpose** — In order to safeguard life, health, and property, and to promote the public welfare, the practices of Professional Engineering and Land Surveying in Alabama require continuing education in accordance with Code of Alabama Section 34-11-8 (a)(2) and this Rule.

(2) **Scope** — Each in-state and out-of-state registrant shall be required to meet the continuing educational requirements of these regulations for professional development as a condition for registration renewal. Continuing education obtained by a registrant should maintain, improve or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills and knowledge.

(3) **Definitions** — Terms used in this section are defined as follows:

(a) **Professional Development Hour (PDH)**—A contact (clock) hour consisting of not less than 50 minutes of instruction or presentation and which further meets the

requirements of these rules.

(b) **Sponsor**—An individual, organization, association, institution or other entity which provides an educational activity for the purpose of fulfilling the continuing educational requirements of this rule.

(c) **Board**—The Alabama Board of Registration for Professional Engineers and Land Surveyors, the legal state entity having jurisdiction to register or license individuals to practice the professions of engineering or land surveying and to discipline those practitioners who violate the applicable laws or rules promulgated by the Board.

(d) **Registrant**—A person licensed as a Professional Engineer or as a Professional Land Surveyor.

(e) **Dual Registrant**—A person licensed to practice as a Professional Engineer and Professional Land Surveyor.

(f) **Inactive Registrant**—A person who is totally separated from the professions of engineering or land surveying in Alabama and all other states.

(g) **Retired Registrant**—A person who is totally retired and is no longer employed in any business in Alabama or in any other state.

(4) **Requirements** — To demonstrate that a licensed Professional Engineer and/or Land Surveyor maintains an acceptable level of competency, a registrant must obtain the number of Professional Development Hours (PDH) per year as shown below. This requirement must be satisfied during the period from January 1 through December 31 except (1) for the carryover permitted and (2) PDH earned between October 15 and December 31 may be submitted as credit earned for the current year or for the following year, but not for both.

(a) A registrant licensed as a Professional Engineer or as a Professional Land Surveyor must earn a minimum of fifteen PDH per year except for the carryover permitted. The number of professional development hours which may be carried forward into the next year shall not exceed fifteen.

(b) A dual registrant is required to earn a minimum of twenty PDH per year except for the carryover permitted. Ten of the PDH must be in the area of Professional Engineering and ten in the area of Land Surveying. The number of professional development hours which may be carried forward into the next year for a dual registrant shall not exceed ten in each professional area.

(c) A Professional Land Surveyor is required to earn a minimum of six PDH credits by attending a seminar or by completing a correspondence course on Minimum Technical Standards for Land Surveyors at least every five years. Credits for these courses/seminars on MTS will count toward the annual PDH requirements in the year earned.

(5) **Activities**—Continuing Educational activities which satisfy the professional development requirement shall include, but not be limited to:

(a) successfully completing or auditing college or university sponsored courses,

(b) successfully completing courses which are awarded continuing educational units (CEU),

(c) attending seminars, tutorials, short courses, correspondence courses, televised courses or videotaped courses,

(d) attending in-house programs sponsored by corporations or other organizations,

(e) teaching or instructing as described in (a) through (d) above,

(f) authoring published papers, articles, or books,

(g) making presentations at technical meetings,

(h) attending program presentations at related technical or professional meetings.

All of such activities as described in (a) through (h) above must be relevant to the practice of engineering or land surveying and may include technical, ethical, or managerial content.

(6) **Criteria** — Continuing educational activities must meet the following criteria:

(a) There is a clear purpose and objective for each activity which will maintain, improve or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills and knowledge.

(b) The content of each presentation is well organized and presented in a sequential manner.

(c) There is evidence of preplanning which should include the opportunity for input by the target group to be served.

(d) The presentation will be made by persons who are well qualified by education or experience.

(e) There is a provision for individual participant registration which will include information required for record keeping and reporting.

(7) **Units** — The conversion to PDH units from other units is as follows:

1 University semester hour of credit...	45 PDH
1 University quarter hour of credit...	30 PDH
1 Continuing Educational Unit (CEU)...	10 PDH
1 Hour of acceptable professional development education	1 PDH

(8) **Credits** — Professional Development Hours of credit for qualifying courses successfully completed which offer semester hour, quarter hour, or CEU credit are as specified above. All other activities permit the earning of one PDH of credit for each contact hour with the following exceptions:

(a) Auditing of university or college courses permit PDH credit of 1/3 that shown in (7) above.

(b) Teaching or instructing qualifying courses or seminars or making presentations at technical meetings can earn PDH credit at twice that of participants.

(c) Authorship of papers, articles, or books cannot be claimed until actually published. Credit earned will equal preparation time spent not to exceed 25 PDH per publication.

(d) The Board does not encourage meeting continuing educational requirements through correspondence courses. Correspondence course PDH may be acceptable, however the registrant should submit supporting documentation to

demonstrate high quality education from the course.

(9) **Exemptions** — A registrant may be exempt from the professional development educational requirements for one of the following reasons:

(a) New registrants by way of examination or reciprocity shall be exempt for their first renewal period.

(b) A noncareer military registrant serving on active duty in the armed forces of the United States for a period of time exceeding one hundred twenty (120) consecutive days in a calendar year shall be exempt from obtaining the professional development hours required during that year.

(c) A registrant employed as a Professional Engineer or Land Surveyor and assigned to duty outside the United States for a period of time exceeding one hundred twenty (120) consecutive days in a calendar year shall be exempt from obtaining the professional development hours required during that year.

(d) A registrant who has experienced during the past year a serious illness or injury of a nature and duration which has prohibited completing continuing educational requirements this past year may be exempted in order to give the registrant sufficient time to recuperate and begin to earn the necessary professional development hours for the next year. Supporting documentation must be furnished to the Board.

(e) Registrants who list their occupation as Retired/Inactive on the Board approved renewal form and who certify that they are not currently practicing engineering and/or land surveying shall be exempt from the professional development hours required. In the event such a person elects to return to active practice of professional engineering or land surveying, professional development hours must be earned for each year exempted not to exceed the annual requirement for two years before the person returns to active practice.

(10) **Reciprocity** — Continuing educational requirements may be met without completing the entire renewal form if a registrant resides in another state which is listed by the Alabama Board as having continuing educational requirements acceptable to the Alabama Board and the registrant certifies in the appropriate section that all continuing educational and registration requirements for that state have been met.

(11) **Forms** — All renewal applications will require the completion of a continuing education form specified by the Board outlining PDH credit claimed. The registrant must supply sufficient detail on the form to permit audit verification, must certify and sign the continuing education form, and submit with the renewal application and fee.

(12) **Records** — The responsibility of maintaining records which can be used to support credits claimed is the responsibility of the registrant. Records required include but are not limited to (1) a log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and PDH credits earned; (2) attendance verification records in the form of completion

certificates, signed attendance receipts, paid receipts, a copy of a listing of attenders signed by a person in responsible charge, or other documents supporting evidence of attendance. These records must be maintained for a period of three years and copies must be furnished to the Board for audit verification purposes if requested.

(13) **Disallowance** — If the Board disallows claimed PDH credit, the registrant shall have 180 days after notification to substantiate the original claim or to earn other credit to meet the minimum requirement.

(14) **Failure to Comply** — If a registrant fails to furnish the required continuing education form, properly completed or signed, the right to practice as a registered professional engineer and/or land surveyor in the State of Alabama will expire on December 31 as specified in Section 330-X-13-.03.

Rule Effective: August 17, 1992. Amended September 9, 1994, effective October 18, 1994.

(Auth: Section 34-11-8; Section 34-11-35, Code of Alabama, 1975)

330-X-13-.03 Expirations.

(1) The right to practice as a registered professional engineer and/or professional land surveyor expires December 31 unless renewed. The right to renew expires June 30. To be reregistered, a registrant who does not renew before June 30, will be required to file a new application and meet the statutory requirements in existence at time of reregistration.

(2) An Engineer-in-Training who does not renew his certification within the period provided by Law will not invalidate his status as an Engineer-in-Training, but his name shall, after ninety (90) days, be removed from the Board's current mailing list and omitted from the Roster. The fee to bring an enrollment current after a renewal expiration shall be twice that established for annual renewal. An Engineer-in-Training certificate will be valid for a period of ten years.

(3) A certificate of authorization issued to a corporation, partnership or firm shall expire on December 31 if not renewed, and the corporation, partnership or firm may not offer or engage in engineering or land surveying services until the certificate of authorization has been renewed. A certificate of authorization not renewed within two years after it has expired will become null and void.

Rule effective September 10, 1982. Amended November 9, 1984, effective date of amendment December 19, 1984.

(Auth: Section 34-11-8; Section 34-11-35, Code of Alabama, 1975)

CHAPTER 330-X-14 PROFESSIONAL CONDUCT (CODE OF ETHICS)

330-X-14-.01 Preamble

330-X-14-.02 Conflict of Interest (Canon I)

330-X-14-.03 Qualified by Education and Experience

- (Canon II)
- 330-X-14-.04 Confidences of Clients and Employers (Canon III)
- 330-X-14-.05 Practice (Canon IV)
- 330-X-14-.06 Ethics (Canon V)
- 330-X-14-.07 Responsibility for Conduct
- 330-X-14-.08 Convictions

330-X-14-.01 Preamble.

(1) In order to meet the intent of the Code of Alabama, 1975, Title 34, Chapter 11, to safeguard the life, health, property and welfare of the public and to establish and maintain a high standard of integrity, skills and practice in the Professions of Engineering and Land Surveying, the following Rules of Professional Conduct (Code of Ethics) are promulgated in accordance with Section 34-11-35, Code of Alabama, 1975 and shall be binding upon (a) every person holding a certificate of Registration as a Professional Engineer or Land Surveyor, (b) every certificated Engineer-in-Training and (c) holders of certificates of authorization.

(2) All persons registered under the provisions of Chapter 11, Title 34, Code of Alabama, 1975 and prior Code, are charged with having knowledge of the existence of the Rules of Professional Conduct (Code of Ethics), Rules 330-X-14-.02 through 330-X-14-.08, and shall be deemed to be familiar with their several provisions and to understand them. Such knowledge shall encompass the understanding that the practice of engineering or land surveying is a privilege, as opposed to a right, and the registrant shall be forthright and candid in his statements or written response to the Board or its representatives on matters pertaining to professional conduct.

(3) Where applicable, the singular use of the words "he" and "his" used in these rules, is also intended to mean "she" and "her". Also where applicable, the singular use of the words "he" and "engineer and/or land surveyor" used in the five Rules of Professional Conduct (Canons) shall also include holders of certificates of authorization.

Rule effective September 10, 1982. Amended November 9, 1984, effective date of amendment December 19, 1984. Amended September 11, 1987, effective date of amendment October 20, 1987. Amended September 9, 1994, effective date of amendment October 18, 1994.

(Auth: Section 34-11-35, Code of Alabama, 1975)

330-X-14-.02 Conflict of Interest. (Canon I) The Engineer and/or Land Surveyor shall exercise independent judgments, decisions and practices on behalf of clients and employers as follows:

(a) The Engineer and/or Land Surveyor shall avoid all conflicts of interest with his client or employer, but when a conflict of interest is unavoidable, the Engineer and/or Land Surveyor shall immediately inform his employer or client of any business association, interest, or circumstances which might tend to influence his professional judgments, decisions or practices or the quality of his services.

(b) The Engineer and/or Land Surveyor shall not solicit or accept any gratuity, material favor or benefits of any substantial nature, including but not limited to any act, article, money or other material possessions which is of such value proportion that its acceptance creates a clandestine obligation on the part of the receiver or otherwise compromises his ability to exercise his own judgment, without regard to such benefit, directly or indirectly, from any party, his agents, servants or employees dealing with his client or employer in connection with any project on which he is performing or has contracted to perform Engineering and/or Land Surveying services.

(c) The Engineer and/or Land Surveyor shall not solicit or accept, directly or indirectly, any Engineering and/or Land Surveying contract, selection, or employment from a governmental body in which a principal or officer of his organization serves as a member or employee.

(d) When in public service as a member or employee of a governmental body, the Engineer and/or Land Surveyor shall not participate, directly or indirectly, in considerations or actions with respect to retaining services offered or provided by him, his associates or his organization to such governmental body.

Rule effective September 10, 1982. Amended November 9, 1984, effective date of amendment December 19, 1984. (Auth: Section 34-11-35, Code of Alabama, 1975)

330-X-14-.03 Qualified by Education and Experience.

(Canon II) The Engineer and/or Land Surveyor shall act competently and use proper care in performing engineering and/or land surveying services for clients or employers and shall act only in fields in which he is qualified by education and experience as follows:

(a) The Engineer and/or Land Surveyor shall not accept any Engineering and/or Land Surveying employment, or undertake any Engineering and/or Land Surveying assignment, for which he is not qualified by education or experience to perform or to carry out adequately and competently; providing and excepting, however, that an Engineer and/or Land Surveyor may accept an assignment requiring education and experience outside his field of competence to the extent, only, that his personal Engineering and/or Land Surveying services are restricted solely to those phases of the service or project in which he is qualified and competent, and that all other phases of such service or project shall be performed by legally qualified consultants, associates or employees.

(b) The Engineer and/or Land Surveyor shall not affix his signature or seal to any Engineering and/or Land Surveying plan or document dealing with subject matter on which he is not qualified by education or experience to form a dependable judgment.

(c) The Engineer and/or Land Surveyor shall be completely objective and truthful in all professional reports, statements or testimony. He shall include all relevant and pertinent information in such reports, statements or testi-

mony.

(d) The Engineer and/or Land Surveyor, when serving as an expert or technical witness before any court, commission or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of his testimony.

(e) The Engineer and/or Land Surveyor shall issue no statements, or criticisms or arguments on matters connected with public policy which are inspired or paid for by an interested party, or parties, unless he has prefaced his comments by explicitly identifying himself, by disclosing the identities of the party, or parties, on whose behalf he is speaking, and by revealing the existence of any pecuniary interest he may have in the instant matter.

(f) The Engineer and/or Land Surveyor shall not engage in any professional matter for which a specific license is required without first being licensed in that profession.

Effective date: September 10, 1982

(Auth: Section 34-11-35, Code of Alabama, 1975)

330-X-14-.04 Confidences of Clients and Employers. (Canon III) The Engineer and/or Land Surveyor shall safeguard and preserve the confidences and private information of clients and employers as follows:

(a) Except as permitted by 330-X-14-.04(b), the Engineer and/or Land Surveyor shall not knowingly:

1. Reveal a confidence or private information regarding or in the possession of his client or employer, current or former;

2. Use a confidence or private information regarding or in the possession of his client or employer, current or former, to the disadvantage of such client or employer;

3. Use a confidence or private information regarding or in the possession of his client or employer for the advantage of a third person, unless the client or employer, current or former, consents after full disclosure;

4. Nothing in this Article shall relieve an Engineer and/or Land Surveyor from complying with Rule 330-X-14-.03(e).

(b) The Engineer and/or Land Surveyor may reveal confidences or private information under the following circumstances:

1. When he has obtained the consent of the client or clients, employer or employers, current or former, affected, but only after full disclosure to them;

2. When required by law or court order;

3. When necessary to establish legal proof of his relationship with a client or employer, current or former, in a court action to recover salaries, fees or other compensation due him as a result of his employment or association with such client or employer, current or former;

4. When necessary to defend himself or his employees or associates in a legal action alleging wrongful conduct.

(c) The Engineer and/or Land Surveyor shall exercise

reasonable care to prevent unauthorized disclosure or use by his employees and associates of private information or confidences regarding or in the possession of a client or employer, current or former.

Rule effective September 10, 1982. Amended November 9, 1984, effective date of amendment December 19, 1984.

(Auth: Section 34-11-35, Code of Alabama, 1975)

330-X-14-.05 Practice. (Canon IV) The Engineer and/or Land Surveyor shall endeavor to build his practice and professional reputation on the merit of his services as follows:

(a) The Engineer and/or Land Surveyor shall not offer, or promise to pay or deliver, directly or indirectly, any commission, political contribution, gift, favor, gratuity, benefit or reward as an inducement to secure any specific Professional Engineering and/or Land Surveying work or assignment; providing and excepting, however, that an Engineer and/or Land Surveyor may pay a duly licensed employment agency its fee or commission for securing Engineering and/or Land Surveying employment in a salaried position.

(b) The Engineer and/or Land Surveyor shall not solicit professional employment by self-laudatory advertising, or in any manner contrary to high professional standards.

(c) The Engineer and/or Land Surveyor shall not make, publish or cause to be made or published, any representation or statement concerning his professional qualifications or those of his partners, associates, firm or organization which is in any way misleading, or tends to mislead the recipient thereof, or the public, concerning his Engineering and/or Land Surveying education, experience, specializations or other Engineering and/or Land Surveying qualifications.

(d) The Engineer and/or Land Surveyor shall not supplant, nor attempt to supplant, directly or indirectly, another Engineer and/or Land Surveyor in a particular engineering or land surveying project, after contracts have been awarded to such other Engineer and/or Land Surveyor.

(e) The Engineer and/or Land Surveyor shall not attempt to compete with another Engineer and/or Land Surveyor for employment by reducing his usual charges or by the use of unethical practices.

(f) The Engineer and/or Land Surveyor, in the public interest, shall not participate in fee determination procedures (contract negotiations) which contribute to an inferior quality of workmanship. An Engineer and/or Land Surveyor having submitted a statement of qualification and performance data, and having first been judged as a qualified individual or firm to provide the services required for the proposed project, may proceed to negotiate a contract with a client and establish compensation for the required services.

Should the Engineer or Land Surveyor be unable to negotiate a satisfactory contract with the client for any reason, the Engineer or Land Surveyor shall withdraw from

further consideration for the engineering or land surveying services.

(g) The Engineer and/or Land Surveyor shall be guided in his practice by current Engineering and Land Surveying Society Codes and Standards which set forth standards generally accepted in the professions such as, for example, current editions of the National Electrical Code, American Society of Mechanical Engineers' Codes, Standard Building Code and the Alabama Society for Professional Land Surveyors' Minimum Technical Standards for Land Surveying.

(h) Should the Engineer or Land Surveyor be presented with a Certification to be signed and sealed he or she should carefully evaluate that Certification to determine if any of the circumstances set forth below would apply. If any of these circumstances would apply, the engineer or land surveyor shall either: (a) modify such Certification to limit its scope to those matters which the engineer or land surveyor can properly sign and seal, or (b) decline to sign such Certification. The Engineer or Land Surveyor who signs and seals Certifications which: (a) relate to matters which are beyond the engineer's or land surveyor's technical competence, or (b) involve matters which are beyond the engineer's or land surveyor's scope of services actually provided, or (c) relate to matters which were not prepared under the engineer's or land surveyor's responsible supervision, direction or control are subject to disciplinary action pursuant to Rule 330-X-16.

Rule effective September 10, 1982. Amended November 9, 1984, effective date of amendment December 19, 1984. Amended September 11, 1987, effective date of amendment October 20, 1987. Amended March 2, 1990, effective date of amendment April 9, 1990. Amended September 9, 1994, effective date of amendment October 18, 1994.

(Auth: Section 34-11-35, Code of Alabama, 1975)

330-X-14-.06 Ethics. (Canon V) The Engineer and/or Land Surveyor shall contribute to the maintenance, integrity, independence and competency of the engineering and/or land surveying profession as follows:

(a) The Engineer and/or Land Surveyor shall not:

1. Violate any provision of the Alabama Law regulating practice of Engineering and Land Surveying or of the Administrative Code of the Board of Registration for Professional Engineers and Land Surveyors;

2. Participate, directly or indirectly, in any plan, scheme or arrangement attempting or having as its purpose the evasion of any provision of the Alabama Law regulating practice of Engineering and Land Surveying;

3. Fail to exercise reasonable care or diligence to prevent his partners, associates, and employees from engaging in conduct which if done by him, would violate any provision of the Alabama law regulating practice of Engineering and Land Surveying;

4. Engage in any illegal conduct involving moral turpi-

tude;

5. Engage in any conduct that discredits or tends to discredit the profession of Engineering and/or Land Surveying;

6. Permit or allow himself, his professional identification, seal, firm, or business name, or his services to be used or made use of, directly or indirectly, or in any manner whatsoever, so as to make possible or create the opportunity for the unauthorized practice of Engineering and/or Land Surveying by any person, firm or corporation in this State;

7. Perform any acts, allow omissions or make any assertions or representations which are fraudulent, deceitful, or misleading, or which in any manner whatsoever tend to create a misleading impression;

8. Knowingly associate with or permit or allow the use of his name, firm name or professional identification or seal in any business venture, project or enterprise which he knows or has reason to believe is engaged in professional practices which violate any provision of the Alabama law regulating practice of Engineering and Land Surveying;

9. Knowingly associate with or permit the use of his name, professional identification, seal, firm or business name in connection with any venture or enterprise which he knows, or has reason to believe, is engaging in trade, business or professional practice of a fraudulent, deceitful or dishonest nature;

10. Injure or attempt to injure or damage the professional reputation of another by any means whatsoever; provided and except, however, that this shall not relieve an Engineer and/or Land Surveyor of the obligation to expose unethical or illegal conduct to the proper authorities or preclude a frank but private appraisal of Engineers and/or Land Surveyors or other persons or firms considered for employment;

11. Aid or abet, directly or indirectly, any unregistered person in connection with the unauthorized practice of Engineering and/or Land Surveying; or any firm or corporation in the practice of Engineering and/or Land Surveying unless carried on in accordance with the provisions of Section 34-11-9 of the Alabama law regulating practice of Engineering and Land Surveying;

12. Place his seal and/or signature and registration number on a document constituting a certification that the document was prepared by the registrant unless the document was prepared by the registrant or under his direct supervision or unless the registrant has reviewed the document in sufficient depth to fully coordinate and assume responsibility for plans prepared by another registered Professional Engineer or Land Surveyor.

13. Review the work of another Engineer and/or Land Surveyor, except with the knowledge or consent of such Engineer and/or Land Surveyor, unless the connection of such Engineer and/or Land Surveyor with the work has been terminated.

(b) The Engineer and/or Land Surveyor shall be personally and professionally responsible and accountable for the care, custody, control and use of his Engineer's and/or Land

Surveyor's seal, his professional signature and identification. The Engineer and/or Land Surveyor whose seal has been lost, misplaced or stolen shall, upon discovery of its loss, report same immediately to the Board, which may invalidate the stolen registration number of said seal, if it deems this necessary, and issue another registration number to said Engineer and/or Land Surveyor.

(c) When in public service as a member or employee of any governmental body, agency or department, the Engineer and/or Land Surveyor shall not participate, directly or indirectly, use or make use of any property, facility or service of such governmental body, agency or department for the benefit of any private business or activity in which such Engineer and/or Land Surveyor also may be engaged, unless prior, proper authority is obtained in writing.

(d) The Engineer and/or Land Surveyor shall not, directly or indirectly, use or make use of any property/facility or service of his client or employer for the benefit of said Engineer and/or Land Surveyor, unless prior, proper authority is obtained in writing.

(e) The Engineer and/or Land Surveyor shall not practice or offer to practice Engineering and/or Land Surveying in any governmental jurisdiction in which to do so would be in violation of the laws regulating the practice of Professional Engineering and/or Land Surveying in that jurisdiction.

Rule effective September 10, 1982. Amended November 9, 1984, effective date of amendment December 19, 1984. Amended July 10, 1992, effective date of amendment August 17, 1992.

(Auth: Section 34-11-35, Code of Alabama, 1975)

330-X-14-07 Responsibility for Conduct. A corporation, partnership or firm shall be held responsible for the conduct or acts of its agents, employees, officers, partners, or owners, registered or non-registered.

Rule effective September 10, 1982. Amended November 9, 1984, effective date of amendment December 19, 1984 (Auth: Section 34-11-9 (d); Section 34-11-35, Code of Alabama, 1975)

330-X-14-08 Convictions. The revocation, suspension, or denial of a license to practice Engineering and/or Land Surveying in another jurisdiction, for reasons or causes which the Board finds would constitute a violation of the Alabama law regulating practice of Engineering and Land Surveying or any rule, regulation or code promulgated by the Board, shall be sufficient cause for the denial, suspension or revocation of a license to practice Engineering and/or Land Surveying in the State of Alabama.

Rule effective September 10, 1982. Amended November 9, 1984, effective date of amendment December 19, 1984 (Auth: Section 34-11-35, Code of Alabama, 1975)

SEVERABILITY

If any of the above provisions of the Rules of Professional Conduct (Code of Ethics) or any part thereof, or any sentence, paragraph, clause, phrase or word thereof is construed by the courts to be invalid for any reason, it is the intention of the Board that the remainder shall continue in full force and effect; that is, it is the intention of the Board that each of the above provisions and/or any portions thereof, are severable.

CHAPTER 330-X-15 COMPLIANCE AND ENFORCEMENT

330-X-15-.01 Compliance
330-X-15-.02 Enforcement

330-X-15-.01 Compliance.

(1) Section 34-11-9, Code of Alabama, 1975 provides that a firm, company, partnership or corporation may engage or offer to engage in the practice of professional engineering or land surveying; provided, one or more of the principal officers of such corporation or firm or partners of such partnership and all personnel of such corporation, partnership or firm who act in its behalf as professional engineers or professional land surveyors in this state are registered as provided by Title 34, Chapter 11 of the Code of Alabama, 1975, and further provided, that said corporation, partnership or firm has been issued a certificate of authorization by the board.

(2) In order to be considered eligible for a certificate of authorization, every firm, partnership or corporation which performs engineering and/or land surveying services in the State of Alabama, shall have a resident registered Professional Engineer and/or Professional Land Surveyor as the case may be, in responsible charge in each separate office in which engineering and/or land surveying services are performed. The resident engineer and/or land surveyor shall be an employee of the firm, corporation, partnership or association or other entity, engaged in the practice of engineering and/or land surveying. Such engineer and/or land surveyor can be the resident licensee at only one place of business at one time.

Rule effective September 10, 1982. Amended November 9, 1984, effective date of amendment December 19, 1984. Amended September 9, 1994, effective date of amendment October 18, 1994.

(Auth: Section 34-11-9; Section 34-11-35, Code of Alabama, 1975)

330-X-15-.02 Enforcement. The Board may initiate action in cases where a person's or business entity's actions are in violation of the law beyond reasonable doubt. (Examples include: advertising for professional services, including listing in the "Yellow Pages" of the telephone directory under the professional section therein, advertising

in any form through the local advertising medium, use of letterheads stating or implying that the person or business entity is capable of and/or is furnishing professional services, etc.). Upon receipt of evidence from any person that a nonregistrant is representing or attempting to use as his own, the certificate of registration or seal of another, or any person practicing without registration or any corporation, partnership or firm practicing or offering to practice engineering or land surveying without a certificate of authorization from the Board, the Board may assemble the facts, obtain legal guidance and follow the case to completion based on the legal guidance given step-by-step as additional information is provided.

Rule effective September 10, 1982. Amended November 9, 1984, effective date of amendment December 19, 1984. (Auth: Section 34-11-15; Section 34-11-35, Code of Alabama, 1975)

CHAPTER 330-X-16 DISCIPLINARY ACTION

330-X-16-.01	Complaints
330-X-16-.02	Probable Cause
330-X-16-.03	Summons and Complaint
330-X-16-.04	Pre-Hearing Discovery
330-X-16-.05	Disciplinary Hearings
330-X-16-.06	Discipline
330-X-16-.07	Costs
330-X-16-.08	Reinstatement of Registration or Certification after Revocation
330-X-16-.09	Conflict and Bias

330-X-16-.01 Complaints.

(1) Proceedings to revoke, refuse to renew or suspend a certificate of registration or a certificate of authority or to censure, place on probation and/or fine a registrant, certificated engineer-in-training or a corporation, partnership or firm holding a certificate of authority may be initiated by the Board or by any person upon the filing with the Board Office of an original and two copies of a complaint which shall contain:

(a) Name and address of the complaining party as well as the name and address of any registrant, certificated engineer-in-training or corporation, partnership or firm holding a certificate of authority against which the complaint has been filed.

(b) A plain and concise statement of the facts which together indicate that the individual registrant, certificated engineer-in-training or the agents, employees, officers, partners, or owners of the corporation, partnership or firm, registered and nonregistered, complained against has violated provisions of Chapter 11, Title 34, Code of Alabama, 1975 or Rules promulgated by the Board or Rules of

Professional Conduct (Code of Ethics), Rules 330-X-14-.02 through 330-X-14-.08.

(c) The relief sought.

(d) The signature of the complainant and a verification in the form prescribed in Section 34-11-11, Code of Alabama, 1975.

Rule effective September 10, 1982. Amended November 9, 1984, effective date of amendment December 19, 1984. Amended September 11, 1987, effective date of amendment October 20, 1987. Amended July 10, 1992, effective date of amendment August 17, 1992.

(Auth: Section 34-11-11; Section 34-11-35, Code of Alabama, 1975)

330-X-16-.02 Probable Cause.

Upon the lodging of a complaint the Executive Director shall refer the complaint to one member of the Board who shall be selected on a rotating basis; provided, however, that if the complaint is first made to a Board member, then it shall be referred to that Board Member. The Board member to whom a complaint is referred shall, in consultation with the Executive Director and the Board's attorney determine whether probable cause exists for the issuing of a Summons and Complaint by the Board. If a Summons and Complaint is issued, the Board member who made the probable cause determination shall not sit as a member of the Board at the disciplinary hearing held pursuant to the Summons and Complaint.

Rule effective October 1, 1983. Amended November 9, 1984, effective date of amendment December 19, 1984. Amended July 10, 1992, effective date of amendment August 17, 1992.

(Auth: Section 34-11-11; Section 34-11-35, Code of Alabama, 1975)

330-X-16-.03 Summons and Complaint.

(1) Preparation. In the event the Board determines that probable cause exists for the filing of a Summons and Complaint, the Board shall instruct its counsel to prepare such.

(2) The Summons and Complaint shall be sent registered mail return receipt requested to the most recent address of the Respondent on file with the Board and shall be mailed at least 30 days prior to the scheduled date of the hearing. A copy shall also be sent first class mail.

(3) Contents. The Summons and Complaint shall make specific charges and give notice in substantial compliance with the Alabama Administrative Procedures Act, Section 41-22-12 (b) and Section 34-11-11, Code of Alabama, 1975.

Effective date: October 1, 1983. Amended July 10, 1992, effective date of amendment August 17, 1992.

(Auth: Section 34-11-11; Section 34-11-35, Section 41-22-12(b); Code of Alabama, 1975)

330-X-16-.04 Pre-Hearing Discovery.

(1) Permitted. Pre-hearing discovery shall be permitted in accordance with this rule to the extent necessary to prevent fraud, conserve the Board's time, prevent undue surprise at hearing and facilitate the carriage of justice.

(2) Extent Allowed. The attorney for the Board or the Respondent may upon application to the Board Member, who determined probable cause or if a Hearing Examiner, the Hearing Examiner, obtain discovery regarding any matter not privileged which is relevant to the subject matter involved in the pending action, whether it relates to the charge of the Board or the defense of the Respondent.

(3) Methods of Discovery.

(a) Upon written application to the Board Member, who determined probable cause or if a Hearing Examiner, the Hearing Examiner, the following discovery shall be allowed or ordered:

1. Deposition upon oral examination of any expert witness.

2. Interrogatories to Respondent.

3. Order for production and copying of documents and things and entry upon land for inspection and other purposes, against any person.

(b) The discovery must be had in accordance with any terms and conditions imposed by the Board Member or if a Hearing Examiner, the Hearing Examiner. The Board Member or if a Hearing Examiner, the Hearing Examiner may impose any such terms and conditions as are just upon discovery in order to protect a person from annoyance, embarrassment, oppression or undue burden or expense. Effective date: September 10, 1982. Amended July 10, 1992, effective date of amendment August 17, 1992.

(Auth: Section 34-11-35, Code of Alabama, 1975)

330-X-16-.05 Disciplinary Hearings.

(1) Conduct of Hearing.

(a) Hearing Examiner. The Board may, in its discretion, appoint some person to act as hearing examiner at disciplinary hearings. In the event a hearing examiner is appointed, he/she shall preside at the hearing and shall rule on all questions of evidence and procedure, notwithstanding any other provisions of these rules to the contrary.

(b) Plea. The Respondent shall plead either "guilty" or "not guilty" to the charges set forth in the complaint.

(c) Opening Statement. Each side shall be permitted to make a short opening statement.

(d) The State shall present its evidence, followed by the Respondent, followed by rebuttal by the State. Each witness called may be examined in the following manner:

1. Direct examination.
2. Cross examination.
3. Examination by Board.
4. Re-direct examination.
5. Re-cross examination.
6. Re-examination by Board.

(e) Closing Argument. Each side shall be permitted to make a short closing statement summarizing the evidence presented and urging the application of relevant law to the evidence presented.

(f) The Board may request one or both sides to prepare within seven days for the Board's consideration a proposed order of the Board including findings of fact, official notice and conclusions of law. Underlying facts of record which support the findings should be cited.

(g) Order. The Board shall issue an order within 30 days of the date of the final hearing, which shall include findings of fact, official notice taken, and conclusions of law stated separately. Respondent shall be delivered a copy of the order by certified mail return receipt requested, and a copy shall be mailed first class to each attorney of record.

(2) Evidence. Evidence shall be admitted in accordance with the Alabama Administrative Procedures Act, Section 41-22-13, Code of Alabama, 1975. Relevant engineering and land surveying society codes and standards and/or relevant federal, state, and local codes may be admitted into evidence in disciplinary proceedings before the Board in order to set forth standards generally accepted by the professions. These would include relevant engineering and/or land surveying codes and standards such as, for example, current editions of the National Electrical Code, American Society of Mechanical Engineers' Codes, Standard Building Code and the Alabama Society of Professional Land Surveyors' Minimum Technical Standards for Land Surveying.

(3) Other. The hearing shall be conducted in compliance with the provisions of the Alabama Administrative Procedures Act, Chapter 22, Title 41, Code of Alabama, 1975. If the accused person or corporation fails or refuses to appear, the Board may proceed to hear and determine the validity of the charges.

(4) Negotiated Settlements. The Board Attorney is hereby authorized to negotiate settlements with any Respondent wishing to do so. In the event that the Board Attorney and the Respondent have reached tentative agreement on a negotiated settlement prior to the date set for hearing of the charges, such agreement shall be presented to the Board at the first available opportunity. The Board may either accept or reject the tentative agreement of negotiated settlement and if accepted, the Respondent shall be notified and no hearing held. If the Board rejects the tentative agreement of negotiated settlement, the charges shall be heard by the Board as soon as possible. Unless waived by the respondent, all charges must be heard within six months from the date on which charges were preferred.

Rule effective

Section (1)(a) through (1)(f): September 10, 1982

Sections (1)(g), (2), (3) and (4): October 1, 1983. Amended November 9, 1984, effective date of amendment December 19, 1984. Amended September 11, 1987, effective date of amendment October 20, 1987. Amended March 2, 1990, effective date of amendment April 9, 1990. Amended

July 10, 1992, effective date of amendment August 17, 1992.

(Auth: Section 41-22-13, Section 41-22-16(c); Section 41-22-19 (d); Section 34-11-35, Code of Alabama, 1975)

330-X-16-.06 Discipline.

(1) Probation, revocation, suspension, fine or censure of Registration or Certification. Upon a finding that Respondent has violated any enumerated provision of Section 34-11-11 or any rule adopted pursuant to Section 34-11-35, the Board shall impose any or all of the disciplinary penalties set forth in Code of Alabama 1975, Section 34-11-11.

(2) Stay of Execution of Order. The Board may, in its discretion, permanently or temporarily stay the execution of its order to censure, place on probation, fine, revoke or suspend Respondent's registration, certification or certificate of authorization. The stay may be conditioned on any provision the Board deems appropriate under all the circumstances of a particular case.

(3) Consideration. In determining whether a registration, certification or certificate of authorization should be revoked or suspended, and whether execution of the order should be stayed, and upon what conditions, the Board shall consider all relevant factors, including, but not limited to the following:

- (a) the severity of the offense;
- (b) the danger to the public;
- (c) the number of repetitions of offenses;
- (d) the length of time since the date of violation;
- (e) the number of complaints filed against the registrant;
- (f) the length of time the registrant has practiced;
- (g) the actual damage to the complainant and/or the public;
- (h) the deterrent effect of the penalty imposed;
- (i) the effect of the penalty upon the registrant's livelihood;
- (j) any efforts of rehabilitation; and
- (k) any other mitigating or aggravating circumstances.

Rule effective September 10, 1982. Amended November 9, 1984, effective date of amendment December 19, 1984. Amended September 11, 1987, effective date of amendment October 20, 1987.

(Auth: Section 34-11-11; Section 34-11-35, Code of Alabama, 1975)

330-X-16-.07 Costs.

Rule effective September 10, 1982. Amended November 9, 1984, effective date of amendment December 19, 1984. Rule repealed September 11, 1987, effective date of repeal October 20, 1987.

(Auth: Section 34-11-35, Code of Alabama, 1975)

330-X-16-.08 Reinstatement of Registration or Certification after Revocation.

(1) Application for Re-instatement. Any person, corpo-

ration, partnership or firm whose registration, certification or certificate of authorization has been revoked may not apply to the Board for reinstatement of the registration or certification until two years have elapsed since the revocation, except a person convicted of a crime of moral turpitude in which case five years shall have elapsed since said conviction and the person's civil rights shall have been restored. In the application for reinstatement, the applicant should state why the registration or certification should be reinstated and should specifically set forth any changed circumstances which would justify reinstatement. Applicant must include in the application evidence that the current requirements for registration or certification have been met.

(2) Board Action. Upon receipt of such application the Board shall grant applicant a hearing on reinstatement, at which time applicant may appeal to the Board to reinstate his/her registration or certification.

Rule effective September 10, 1982. Amended November 9, 1984, effective date of amendment December 19, 1984. (Auth: Section 34-11-12; Section 34-11-35, Code of Alabama, 1975)

330-X-16-.09 Conflict and Bias.

(1) No Board member shall be entitled to vote in any disciplinary matter if the Board member is personally biased against the Respondent or when such voting would violate the provisions of the Alabama Administrative Procedures Act, Section 41-22-18 (a), Code of Alabama, 1975.

(2) Any Respondent in a disciplinary action who wishes to assert bias or conflict may do so by filing with the Executive Secretary at least three days before the scheduled disciplinary hearing an affidavit asserting the disqualification together with the underlying factual bias for the assertion.

(3) The Board shall consider the assertion of disqualification on the record as a preliminary matter at the hearing before any other question is decided.

Effective date: October 1, 1983

(Auth: Section 34-11-35, Section 41-22-18 (a); Code of Alabama, 1975)

CHAPTER 330-X-17 SEVERABILITY

330-X-17-.01 Severability

330-X-17-.01 Severability. If any of the Rules and Regulations of the Board which shall be known as "The Alabama State Board of Registration for Professional Engineers and Land Surveyors Administrative Code" or any part thereof, or any sentence, paragraph, clause, phrase or word thereof is construed by the courts to be invalid for any reason, it is the intention of the Board that the remainder shall continue in full force and effect; that is, it is the intention of the Board

that each Rule and/or any portions thereof, are severable.

Effective date: September 10, 1982

(Auth: Section 34-11-35, Code of Alabama, 1975)

CHAPTER 330-X-18 AMENDMENT OF RULES

- 330-X-18-.01 Petition for Adoption of Rules
- 330-X-18-.02 Notice
- 330-X-18-.03 Public Hearings
- 330-X-18-.04 Board Decision
- 330-X-18-.05 Emergency Rules
- 330-X-18-.06 Compliance with Administrative Procedures Act

330-X-18-.01 Petition for Adoption of Rules.

(1) Any person who wishes to propose that the Board adopt, repeal or amend any rule may file a petition for adoption of rules which shall be submitted in the following form:

PETITION FOR ADOPTION OF RULE

1. Petitioner

Name: _____

Address: _____

Phone: _____

2. Character of Change

I propose that the Board of Professional Engineers and Land Surveyors

- A. ☐ adopt the following new rule.
- B. ☐ amend Rule _____ as follows.
- C. ☐ repeal Rule _____ in total.

3. Text of Proposed Rule.

If you checked box "A" above, type the rule you proposed in the space below. If you checked box "B" above, type the currently effective rule in the space below, adding any proposed language. Proposed new language should be underlined and proposed deletions should be stricken through. If you checked box "C" above, skip this and go to Part IV. (Use additional sheets if necessary.)

4. Purpose of Change.

Briefly describe what the effect of this change will be, and why you believe the change should be made. (Use additional sheets if necessary.)

5. Signature.

Date _____ Petitioner _____

(2) The Board shall meet and consider any petition for adoption, repeal or amendment within sixty days of its submission.

Effective date: September 10, 1982. Amended September 9, 1983

(Auth: Section 34-11-35, Section 41-22-8; Code of Alabama, 1975)

330-X-18-.02 Notice.

(1) The Board shall give at least 35 days' notice of any proposed action on any rule by publication in the Alabama Administrative Monthly in compliance with the Alabama Administrative Procedures Act, Section 41-22-5(a)(1), Code of Alabama, 1975.

(2) Any person who wishes to receive notice by mail of all proposed actions on rules may do so by requesting such notice from the Executive Secretary and pay an annual charge of \$50 to cover costs of the mailings. All annual subscriptions begin October 1 and expire September 30.

Effective date: October 1, 1982

(Auth: Section 34-11-35, Section 41-22-5, Code of Alabama, 1975)

330-X-18-.03 Public Hearings. The Board shall permit all interested persons reasonable opportunity to submit data, views or arguments concerning any proposed rule action. Data, views or arguments submitted in writing must be received by the Executive Secretary at least seven days before the date specified in the notice as the day of the public hearing. Those persons wishing to appear before the Board to present data, views or arguments orally must submit a request to appear before the Board to the Executive Secretary, and such request must be received by the Executive Secretary at least seven days before the scheduled public hearing.

Effective date: October 1, 1982

(Auth: Section 34-11-35, Section 41-22-5; Code of Alabama, 1975)

330-X-18-.04 Board Decision.

(1) The Board shall fully consider all written and oral submissions concerning every proposed rule action. Upon adoption of a rule, the Board, if conflicting views are submitted on the proposed rule, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling any considerations urged against its adoption.

Effective date: October 1, 1982

(Auth: Section 34-11-35, Section 41-22-5; Code of Alabama, 1975)

330-X-18-.05 Emergency Rules. In the event the Board finds that an immediate danger to the public health, safety or welfare requires adoption of a rule upon fewer than 35 days' notice or that action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than 35 days' notice, the Board may adopt

an emergency rule under the provisions of the Administrative Procedures Act, Section 41-22-5(b), Code of Alabama, 1975.

Effective date: October 1, 1982

(Auth: Section 34-11-35, Section 41-22-5; Code of Alabama, 1975)

330-X-18-.06 Compliance with Administrative Procedures Act. All rules adopted by the Board shall otherwise substantively and procedurally comply substantially with the provisions of the Alabama Administrative Procedures Act, Chapter 22, Title 41, Code of Alabama, 1975.

Effective date: October 1, 1982

(Auth: Section 34-11-35, Code of Alabama, 1975)